

### **REMARKS**

In view of the claim amendments above and the remarks and arguments presented below, Applicant believes the pending application is in condition for allowance.

#### **I. Status of the Claims**

Claims 1 and 16 are amended. No new matter is introduced by the amendment. Claim 3 is cancelled without prejudice to, disclaimer of, or dedication to the public of the subject matter contained therein.

Claims 4 and 11-15 were previously canceled without prejudice to, disclaimer of, or dedication to the public of the subject matter contained therein.

Upon entry of this Amendment, claims 1-2, 5-10, and 16-24 are pending and at issue.

#### **II. Claim Rejection under 35 U.S.C. § 103(a)**

Claims 1-3, 5-10, and 16-24 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Shanks et al. (WO 86/00141 – “Shanks”) in view of Mochida (U.S. Patent No. 5,147,607 – “Mochida”).

Applicants have amended independent claims 1 and 16.

The amended claim 1 includes “oxidoreductase that reacts with the particular component for extracting electrons from the particular component, and a same color-developing reagent that receives the extracted electrons for coloration”. The other

independent claim, claim 16, has been similarly amended. The support for the amendment is found for example at lines 16-24, page 14 of the specification.

The disclosure of Shanks relates to an immunoassay utilizing an immobilized antibody. See lines 17-24, page 13 of Shanks. Shanks fails to teach or suggest that “both of the first part and the second part contain a same oxidoreductase that reacts with the particular component for extracting electrons from the particular component, and a same color-developing reagent that receives the extracted electrons for coloration”. Further, Shanks discloses two different reactive layers 7 and 77 for measuring two different optical properties at once. See lines 28-35, page 24 of Shanks. Therefore, the two layers 7 and 77 (or the color-developing reagents contained in these layers) must be different in order to realize intended measurement of two different optical properties.

Mochida, like Shanks, also discloses enzyme immunoassays (EIA) or acid-hybridization assay and fails to teach or suggest the newly added features of amended claim 1 reciting that “both of the first part and the second part contain a same oxidoreductase that reacts with the particular component for extracting electrons from the particular component, and a same color-developing reagent that receives the extracted electrons for coloration”. See, column 1, lines 26-31 and column 2, lines 19-34 of Mochida.

Since Shanks nor Mochida teach, suggest, or disclose the above described element now clearly claimed in amended independent claims 1 and 16, Shanks alone or in combination with

Mochida fails to make claim 1 and 16, and all other dependent claims obvious. Withdrawal of the rejection is respectfully requested.

A request for continued examination of the application and fee are enclosed. Applicant does not believe that there are any other fees due. However, if any additional fees are due, please charge such sums to Deposit Account: 50-1145.

Respectfully submitted,

/Robert L. Norton Reg. No. 62082/

Robert L. Norton  
Registration No. 62,082

Day Pitney LLP  
7 Times Square  
New York, NY 10036-7311  
212.297.5800